

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

MICHAEL W. TORRELL,

Plaintiff,

v.

TODD LOVELL,

Defendant.

CASE NO. 3:25-cv-05406-DGE

ORDER DIRECTING THE  
ISSUANCE OF SUMMONS

On May 29, 2025, Plaintiff—a non-prisoner proceeding *pro se* and *in forma pauperis*—submitted a complaint and motion for a preliminary injunction (Dkt. Nos. 7, 10). Any complaint filed by a person proceeding IFP pursuant to 28 U.S.C. § 1915(a) is subject to a mandatory and *sua sponte* review and dismissal by the Court to the extent it is frivolous, malicious, fails to state a claim upon which relief may be granted, or seeks monetary relief from a defendant who is immune from such relief. 28 U.S.C. § 1915(e)(2)(B); *Calhoun v. Stahl*, 254 F.3d 845, 845 (9th Cir. 2001). The Court conducted such review and found that Plaintiff’s complaint was subject to sua sponte dismissal because it failed to state a claim upon which relief may be granted. (Dkt.


1 No. 11 at 2.) The Court dismissed the complaint and directed Plaintiff to file an amended  
2 complaint within thirty days. (*Id.* at 3.)

3 Plaintiff has now filed an amended complaint (Dkt. No. 12) and a motion for a temporary  
4 restraining order (Dkt. No. 16). *See* 28 U.S.C. § 1915(e)(2)(B). The Court has determined  
5 that—if construed liberally—Plaintiff’s complaint appears to allege unlawful restraint.  
6 Accordingly, the Court DIRECTS the Clerk of the Court to issue summons for the Plaintiff to  
7 serve the Defendants.

8 However, before the Court may review Plaintiff’s motion for a temporary restraining  
9 order, Plaintiff must serve summons, the complaint, and the motion for the temporary restraining  
10 order on Defendants. The Court presently has no jurisdiction over the Defendants without  
11 proper service and even if the summons and complaint are properly served, there is at present no  
12 basis for the issuance of an ex parte temporary restraining order. *See* Fed. R. Civ .P.  
13 65(b)(1)(A)–(B) (requiring that the movant set forth specific facts in an affidavit or verified  
14 complaint [that] clearly show that immediate and irreparable injury will result to the movant  
15 before the adverse party can be heard in opposition and a certified statement explaining the  
16 efforts undertaken to give notice and the reasons why notice should not be required).

17 Plaintiff’s motion to expedite (Dkt. No. 19) is DENIED and Plaintiff’s motion for  
18 temporary restraining order will be held in abeyance pending confirmation that service of the  
19 summons, complaint, and motion for temporary restraining order has been completed.

20 Dated this 6th day of June, 2025.

21  
22   
23 \_\_\_\_\_  
24 David G. Estudillo  
United States District Judge